

**H. RES. 364, URGING THE INTRODUCTION AND PASSAGE
OF A RESOLUTION ON THE HUMAN RIGHTS SITUATION
IN THE PEOPLE'S REPUBLIC OF CHINA AT THE 54TH
SESSION OF THE UNITED NATIONS COMMISSION ON
HUMAN RIGHTS**

MARKUP
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTH CONGRESS
SECOND SESSION

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FEBRUARY 25, 1998
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(III)

MARKUP OF H. RES. 364, URGING THE INTRODUCTION AND PASSAGE OF A RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE PEOPLE'S REPUBLIC OF CHINA AT THE 54TH SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

WEDNESDAY, FEBRUARY 25, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
Washington, D.C.**

The Subcommittee met, pursuant to notice, at 1:05 p.m., in room 2167, Rayburn House Office Building; The Honorable Christopher H. Smith (chairman) presiding.

Representatives Present: Smith, Goodling, and Lantos.

Mr. SMITH. The Subcommittee on International Operations and Human Rights meets today in open session, pursuant to notice, to consider markup of House Resolution 364, related to the resolution on China in the United Nations Human Rights Commission.

This resolution which I introduced 2 weeks ago has already been cosponsored by 19 Members from both sides of the aisle, including my good friend and colleague, Tom Lantos. Today I will be proposing an amended version of the resolution which incorporates helpful suggestions made by both Republicans and Democrats alike to try to improve the text.

If any government deserves to be the subject of a United Nations Human Rights Commission resolution, the Beijing regime does. In his testimony before this Subcommittee earlier this month, Assistant Secretary of State John Shattuck made clear that "[t]he government of China continues to commit widespread and well-documented abuses in all areas [of human rights]" and that there have not been any major improvements in that situation during the last year. As detailed in the State Department's *Country Report on Human Rights Practices* in China, those abuses included extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and forced sterilization, the sale of organs from executed prisoners, and tight control over religion, speech, and press. Persecution in some minority areas such as Tibet even intensified during the past year.

H. Res. 364 deserves universal support in the House. It does not entangle any of the commercial concerns involved in our more con-

tentious debates, such as MFN. It focuses exclusively on the undeniable human rights violations perpetrated by the Chinese regime and urges recognition of those violations in a forum dedicated solely to human rights concerns. Indeed, this resolution merely urges the Administration to do what it promised to do when it delinked MFN for China from human rights considerations in 1994, namely "to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China." Those abuses continue unabated and the need for a resolution is more pressing than ever.

Chinese democracy advocate Wei Jingsheng, who appeared before our Subcommittee earlier this month, has stated that "pressure on the Chinese Government to tolerate dissident voices inside and outside the party is crucial for guaranteeing a peaceful transformation to democracy in China." Thus he believes that a United Nations Human Rights Commission resolution at this time is, as he put it, "a matter of life or death for democratic reform in China." We must do what we can to keep the hopes of democracy alive. H. Res. 364 is a basic step toward that goal.

I would like to recognize my good friend, Mr. Lantos, for any comments he may have.

Mr. LANTOS. I want to commend you, Mr. Chairman, for introducing this resolution, of which I am very pleased to be an original cosponsor. I want to identify myself fully with your observations.

Unfortunately, human rights conditions in China have shown a persistent pattern of unacceptability. The full range of human rights violations that the Chinese Government in Beijing is guilty of covers the total spectrum of human rights violations that we have uncovered in all the years of the existence of this Committee. I think it would be a travesty if the United Nations Commission on Human Rights were not to deal with this issue and if it does not conclude its deliberations with a denunciation of the appalling human rights practices perpetrated by the Government of China.

I think it's important to realize that with the economic crisis in Southeast Asia there are several additional elements that need to be introduced into our deliberations.

China is very much concerned that with the dramatic change in exchange rates in Southeast Asia, many of China's export industries will come under severe competition from the countries of Southeast Asia whose currencies have been devalued in some instances by as much as 80 percent. The Chinese response will be clear. They will engage either in competitive devaluation of their own or will merely change the prices at which they will sell their products abroad. This means that China's export surplus to the United States will increase in the coming year. It is already running at about a \$50 billion annual rate.

We certainly are in an excellent position to exercise our leverage by insisting on improvement in human rights conditions in China, and since the United Nations Commission on Human Rights is the most widely observed international body in the field of human rights, it is imperative that we immediately initiate steps to obtain the necessary votes so that our position will prevail.

China will put enormous pressure on members of the United Nations Commission on Human Rights not to deal with human rights

violations in China. Unless we lead an offensive that will defeat China's purposes, namely to sweep under the rug this preposterous range of activities China engages in both within China and with respect to the people of Tibet, there will not be any action by the United Nations Commission on Human Rights.

So the operative phrase in our resolution becomes extremely important: "The House of Representatives urges the President to initiate an immediate and determined U.S. effort to secure passage of a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights."

Let me also add a word, because I think it's highly relevant to this resolution, to the recent juxtaposition of the U.S. and Chinese position with respect to the conflict in Iraq. The Chinese Government has no reluctance to oppose U.S. Government policies whenever it chooses to do so. China has shown no reluctance, no reticence, no concern for the sensitivities of our government and our own people. China has been opposing our policy with respect to Iraq on a persistent basis. It has attempted to sweep under the rug Saddam Hussein's outrageous behavior. It is very important that we stand on principle, and standing on principle in this instance means insisting and using all our diplomatic resources to bring the matter of Chinese human rights violations to the United Nations Commission on Human Rights and to push for an affirmative vote denouncing China's practices.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Lantos, for your very eloquent statement.

The chair recognizes the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I compliment you and all who are responsible for the resolution. As you know, I had 300 Chinese in my York prison and 100 for over 3 years. I got the President to release them. However, the INS at this point is not allowing any to become citizens here or attempt to become citizens. They are scheduled to be returned.

I questioned the Administration in relationship to allowing some Haitians to stay because they would have difficulty if they were returned, but I reminded the Administration we have troops in Haiti; we don't have any troops in China.

One who did return had given up hope of anything ever happening and expected to remain in jail. He did return, and when he was returned to his parents, he was returned with two broken legs, and they indicated to the parents that this will keep him from running away for sometime to come. Pretty tragic.

I certainly hope that we can find some way also to help those who are here at the present time, some of whom are earning their way and becoming good Americans even though they have no hope of remaining here.

I thank you.

Mr. SMITH. Mr. Goodling, thank you for your work on behalf of those Chinese people. I join you, and I know Mr. Lantos does as well, in your concerns about those who are returned. We will continue pressing on that as well.

As you know—you were very much a part of it—the legislation that did pass—Mr. Hyde offered it in the immigration bill when it

was on the floor—provides that, if they have a well-founded fear of persecution based on a coercive population control program, they can receive asylum here. It is very unfortunate that those individuals are now still at risk. So I thank you.

The clerk will report the title of the resolution.

The CLERK. H. Res. 364, urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights.

[H. Res. 364 appears in the appendix.]

Mr. SMITH. Without objection, the resolution is open for amendment at any point. I do have an amendment in the nature of a substitute, which the clerk will report at this time.

The CLERK. Amendment in the nature of a substitute to H. Res. 364 offered by Mr. Smith of New Jersey.

Mr. SMITH. Without objection, the amendment is considered as having been read.

[Amendment in the nature of a substitute to H. Res. 364 offered by Mr. Smith appears in the appendix.]

Mr. SMITH. I recognize myself just briefly to say that after the original introduction of the resolution we consulted with Members of the Subcommittee and made some minor changes, and they are reflected in the substitute that is before us.

Would anyone else like to be heard on the amendment in the nature of a substitute?

Mr. LANTOS. Mr. Chairman, I merely want to indicate my support for your amendment.

Mr. SMITH. Thank you very much, Mr. Lantos.

If there are no further Members seeking attention, the chair will put the question on the amendment in the nature of a substitute. As many as are in favor of the amendment shall signify by saying aye.

[Chorus of ayes.]

Mr. SMITH. Those opposed, say no.

[No response.]

Mr. SMITH. The ayes appear to have it. The ayes have it, and the amendment is agreed to.

The gentleman from Pennsylvania is recognized to offer a motion.

Mr. GOODLING. Mr. Chairman, I move that the Subcommittee report the resolution to the Full Committee with an amendment and with the recommendation that the amendment be agreed to.

Mr. SMITH. The question is on the motion of the gentleman from Pennsylvania. As many as are in favor will say aye.

[Chorus of ayes.]

Mr. SMITH. Those opposed say no.

[No response.]

Mr. SMITH. The ayes appear to have it. The ayes do have it, and the motion is agreed to.

That concludes our markup, and now we will move to a hearing, pursuant to notice.

[Whereupon at 1:20 p.m. the markup was concluded.]

APPENDIX

IV

105TH CONGRESS
2D SESSION

H. RES. 364

Urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1998

Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. GEPHARDT, Mr. WOLF, Ms. PELONSI, Mr. ROHRBACHER, Mr. LANTON, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. UNDERWOOD, Mr. BURTON of Indiana, Mr. TIERNEY, and Mr. CLAY) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights.

Whereas the State Department's Country Reports on Human Rights Practices for 1997 state that "[t]he Government [of China] continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms," including extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press, and religion;

Whereas, according to the State Department, "Serious human rights abuses persisted in minority areas [controlled by the Government of China], including Tibet and Xinjiang [East Turkestan], where tight controls on religion and other fundamental freedoms continued and, in some cases, intensified [during 1997]";

Whereas, according to the 1997 Country Reports, the Government of China enforces its "one-child policy" using coercive measures including severe fines of up to several times the annual income of the average resident of China and sometimes punishes nonpayment by destroying homes and confiscating personal property;

Whereas, according to the 1997 Country Reports, as part of the Chinese Government's continued attempts to expand state control of religion, "Police closed many 'underground' mosques, temples, and seminaries," and authorities "made strong efforts to crack down on the activities of the unapproved Catholic and Protestant churches" including the use of detention, arrest, and "reform-through-education" sentences;

Whereas, each year since 1990, the United States has participated in an unsuccessful multilateral effort to gain passage of a United Nations Commission on Human Rights resolution addressing the human rights situation in China;

Whereas the Government of China has mounted a diplomatic campaign each year to defeat the resolution and has succeeded in blocking commission consideration of such a resolution each year except 1995, when the United States engaged in a more aggressive effort to promote the resolution;

Whereas China's opposition to the resolution has featured an attack on the principle of the universality of human rights, which the United States, China, and 169 other governments reaffirmed at the 1993 United Nations World Conference on Human Rights;

Whereas United States leadership is critical to the possibility of success for that resolution;

Whereas, in 1994, when the President announced his decision to delink Most Favored Nation (MFN) status for China from previously announced human rights conditions, the Administration pledged that the United States would "step up its efforts, in cooperation with other states, to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China" as part of the Administration's "new human rights strategy";

Whereas a failure vigorously to pursue the adoption of such a resolution would constitute an abandonment of the "expanded multilateral agenda" that the Administration promised as part of its "new human rights strategy" toward China;

Whereas Chinese democracy advocate and former political prisoner Wei Jingsheng has stated that "[t]his [United Nations Commission on Human Rights] resolution is a matter of life and death for democratic reform in China"; and

Whereas a broad coalition of human rights organizations, including Amnesty International USA, Lawyers Committee for Human Rights, Human Rights Watch, Physicians for Human Rights, International Human Rights Law Group, International League for Human Rights, Jacob Blaustein

Institute for the Advancement of Human Rights, Minnesota Advocates for Human Rights, and the Robert F. Kennedy Memorial Center for Human Rights, have stressed "the critical importance of a multilateral effort to pursue a resolution on China at this year's session of the [United Nations Commission on Human Rights]":
Now, therefore, be it

- 1 *Resolved*, That the House of Representatives urges
- 2 the President to initiate an immediate and determined
- 3 United States effort to secure passage of a resolution on
- 4 human rights violations in China at the 54th Session of
- 5 the United Nations Commission on Human Rights.

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.RES. 364**OFFERED BY MR. SMITH OF NEW JERSEY**

Urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights.

Whereas the State Department's Country Reports on Human Rights Practices for 1997 state that '[t]he Government [of China] continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms,' including extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press, and religion;

Whereas, according to the State Department, 'Serious human rights abuses persisted in minority areas [controlled by the Government of China], including Tibet and Xinjiang [East Turkestan], where tight controls on religion and other fundamental freedoms continued and, in some cases, intensified [during 1997]';

Whereas, according to the 1997 Country Reports, the Government of China enforces its 'one-child policy' using coercive measures including severe fines of up to several times the annual income of the average resident of China and sometimes punishes nonpayment by destroying homes and confiscating personal property;

Whereas, according to the 1997 Country Reports, as part of the Chinese Government's continued attempts to expand state control of religion, 'Police closed many 'underground' mosques, temples, and seminaries,' and authorities 'made strong efforts to crack down on the activities of the unapproved Catholic and Protestant churches' including the use of detention, arrest, and 'reform-through-education' sentences;

Whereas, although the 1997 Country Reports note several "positive steps" by the Chinese Government - such as signing the United Nations Covenant on Economic, Social and Cultural Rights and allowing the United Nations Working Group on Arbitrary Detention to visit China - Assistant Secretary of State John Shattuck has testified regarding those Reports that: "We do not see major changes [in the human rights situation in China]. We have not characterized China as having demonstrated major changes in the period over the course of the last year";

Whereas in 1990, 1992, and each year since then, the United States has participated in an unsuccessful multilateral effort to gain passage of a United Nations Commission on Human Rights resolution addressing the human rights situation in China;

Whereas the Government of China has mounted a diplomatic campaign each year to defeat the resolution and has succeeded in blocking commission consideration of such a resolution each

year except 1995, when the United States engaged in a more aggressive effort to promote the resolution;

Whereas China's opposition to the resolution has featured an attack on the principle of the universality of human rights, which the United States, China, and 169 other governments reaffirmed at the 1993 United Nations World Conference on Human Rights;

Whereas, on February 23, 1998, the European Union (EU) agreed that neither the EU nor its member states would table or cosponsor a resolution on the human rights situation in China at the 54th Session of the United Nations Commission on Human Rights;

Whereas without United States leadership there is little possibility of success for that resolution;

Whereas, in 1994, when the President announced his decision to delink Most Favored Nation (MFN) status for China from previously announced human rights conditions, the Administration pledged that the United States would 'step up its efforts, in cooperation with other states, to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China' as part of the Administration's 'new human rights strategy';

Whereas a failure vigorously to pursue the adoption of such a resolution would constitute an abandonment of an important component of the 'expanded multilateral agenda' that the Administration promised as part of its 'new human rights strategy' toward China;

Whereas Chinese democracy advocate and former political prisoner Wei Jingsheng has stated that '[t]his [United Nations Commission on Human Rights] resolution is a matter of life and death for democratic reform in China': Now, therefore, be it

Resolved, That the House of Representatives urges the President to initiate an immediate and determined United States effort to secure passage of a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights.

Resolved, That the House of Representatives expresses its profound regret that the European Union will not table or cosponsor a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights;

Resolved, That the House of Representatives urges all members of the United Nations Commission on Human Rights to support passage of a resolution on human rights violations in China at the 54th Session of the United Nations Commission on Human Rights.

**Statement of Representative Christopher H. Smith
Chairman, Subcommittee on International Operations
and Human Rights**

The Subcommittee is meeting this afternoon to mark up H. Res. 364, which urges the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the U.N. Human Rights Commission next month. This resolution, which I introduced two weeks ago, has already been cosponsored by 19 Members, from both sides of the aisle. Today, I will be proposing an amended version of the resolution, which incorporates helpful suggestions made by my Republican and Democratic colleagues.

If any government deserves to be the subject of a U.N. Human Rights Commission resolution, the Beijing regime does. In his testimony before this Subcommittee earlier this month, Assistant Secretary of State John Shattuck made clear that "[t]he government of China continues to commit widespread and well-documented abuses in all areas [of human rights]" and that there have not been any major improvements in that situation during the last year. As detailed in the State Department's country report on human rights in China, those abuses included extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and

tight control over religion, speech, and press. Persecution in some minority areas, such as Tibet and East Turkestan, even intensified during the past year.

H.Res. 364 deserves universal support in the House. It does not entangle any of the commercial concerns involved in our more contentious debates, such as on MFN. It focuses exclusively on the undeniable human rights violations perpetrated by the Chinese regime, and urges recognition of those violations in a forum dedicated solely to human rights concerns. Indeed, this resolution merely urges the Administration to do what it promised to do when it delinked MFN for China from human rights considerations in 1994, namely "to insist that the UN Human Rights Commission pass a resolution dealing with the serious human rights abuses in China." Those abuses continue unabated and the need for a resolution is more pressing than ever.

Chinese democracy advocate Wei Jingsheng, who appeared before this Subcommittee earlier this month, has stated that "pressure on the Chinese government to tolerate dissident voices inside and outside the [communist] party is crucial for guaranteeing a peaceful transformation to democracy in China." Thus he believes that a UN Human Rights Commission resolution at this time "is a

matter of life or death for democratic reform in China." We must do what we can to keep the hopes of democracy alive for the Chinese people. H. Res. 364 is a basic step toward that goal.

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CHINA

Chinese Diplomacy, Western Hypocrisy and the U.N. Human Rights Commission

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A HUMAN RIGHTS WATCH/ASIA REPORT, COPYRIGHT © HUMAN RIGHTS WATCH

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I. SUMMARY

China appears to be on the verge of ensuring that no attempt is made ever again to censure its human rights practices at the United Nations. It is an extraordinary feat of diplomacy and an equally extraordinary capitulation on the part of governments, particularly the United States and the countries of the European Union, that claim to favor multilateral initiatives as a way of exerting human rights pressure. One of the few remaining international fora to exert such pressure is the annual meeting of the U.N. Commission on Human Rights in Geneva -- in session this year from March 10 to April 18 -- where countries with particularly egregious human rights records can become the subject of resolutions. Every year save one since 1990, the U.S. and the E.U. have taken the lead, with support from Japan and other governments, in sponsoring a resolution on China, and every year save one, China has successfully blocked even debate on the subject. The threat of a resolution, however, has itself been an effective form of pressure, as illustrated by the time and resources China has spent in trying to counter it.

This report is an analysis of China's diplomatic efforts with respect to key members of the commission over the last three years. It describes a pattern of aggressive lobbying by Chinese officials, using economic and political blandishments, that has worked to undermine the political will in both developed and developing countries to hold Beijing accountable in Geneva, coupled with procrastination and passivity on the part of China's critics, the same governments that have been such vocal proponents of multilateralism.

The report suggests that countries concerned about human rights in China should put more, not less effort into a carefully constructed resolution at the U.N. Human Rights Commission, that the process of fashioning a resolution and lobbying for its passage is important, whether it ultimately reaches the floor of the commission for debate or not, and that ending all efforts on China at the U.N. Human Rights Commission, as the U.S. and Europe seem to be considering, will be seen in China as a triumph over the West's dominance of international institutions and one that it may want to follow up in fields other than human rights.

As this report went to press, the U.S. and the E.U. were involved in diplomatic negotiations with China on a possible package of limited steps or promises in exchange for dropping a resolution this year and in subsequent years. The U.S. in particular, seemed poised to accept any last-minute gestures that China might make during Vice President Albert Gore's trip to China in late March, midway through the commission's deliberations. But the prospect of obtaining truly meaningful improvements from Beijing on human rights would have been far higher had there been a real threat of a coordinated, high-level lobbying effort behind a resolution in Geneva, the work on which would have had to have begun in September or October 1996. For the U.S. and E.U. to suggest at this late date that a resolution cannot pass is a prophecy they have done their utmost to make self-fulfilling.

Background

A resolution on China at the commission is a curiously potent tool for raising human rights issues, given that it is an unenforceable statement that carries no penalties or obligations. But as the product of the U.N., it has major implications for a country's international image, and even to table a resolution for discussion is considered by many countries, China among them, as a major loss of face. But China considers the U.N. Human Rights Commission an important forum for other reasons as well, including as a vehicle for countering Western "hegemonism," particularly through alliances with governments in Asia, Africa and Latin America. During the 1996 session of the commission, Chinese diplomats made clear that they saw an attempt to seek a resolution on China as an example of this hegemonism, arguing that the North used the commission as a one-way forum through which to confront, judge, and interfere in the internal affairs of developing countries while ignoring abuses in the U.S. and Europe, and that the commission paid too much attention to political and civil rights while neglecting economic, social, and cultural rights and the right to

development.¹ In addition to its value to China as a forum to challenge the West, the commission has also become a useful vehicle to play the U.S. off against its erstwhile European allies.

Interest in using the U.N. Human Rights Commission as a forum for criticizing China only emerged after the crackdown in Tiananmen Square in 1989. Beginning in 1990, the annual Geneva meetings were marked by efforts to table mildly worded resolutions urging China to improve its human rights practices and criticizing ongoing violations of international standards. These efforts were defeated before the resolutions could come up for debate by "no-action" motions brought by one of China's friends on the commission -- Pakistan could be counted on in that regard. A "no-action" motion, if passed, meant that the resolution died a quick death before ever coming to debate and vote.

In March 1995, however, the "no-action" motion failed for the first time. China's human rights record was debated, and a resolution sponsored by the U.S. and the European Union lost by only one vote when Russia unexpectedly cast its vote in opposition. It was the closest China had ever come to defeat. In April 1996, by contrast, China again successfully blocked a resolution through the "no-action" procedure, by a vote of twenty-seven to twenty with six abstentions. In the year that elapsed between the two meetings, China's human rights record had worsened, but its lobbying had improved and the political will of its critics had weakened.

Visits between China and commission members between April 1996 and March 1997 resulted in more aid packages, new and expanded trade contracts including foreign investment and joint ventures, and promises of improved bilateral cooperation on projects ranging from agriculture to nuclear technology. While it is impossible to definitively document the direct relationship between each visit or aid package and the votes of individual commission members, an overall pattern emerged that may help to explain China's success at muzzling the commission. Clearly, in many countries, much more was at stake than a Geneva vote, as Beijing sought to boost its long-term political and economic relationships and to weaken Taiwan's ties with some capitals. But a major objective during this period was also to defeat the annual Geneva effort.

In 1995 and in 1996, the importance of the outcome in Geneva was clearly reflected in official statements. At the conclusion of the 1995 voting, a foreign ministry spokesman speaking on state radio "expressed its [the Chinese government's] admiration and gratitude to those countries that supported China," and China's ambassador to the U.N. in Geneva said the resolution was "entirely a product of political confrontation practiced by the West with ulterior motives."² After the 1996 vote, an article by the official Chinese news agency Xinhua, entitled "Failure of Human Rights Resolution Hailed," gloated that the commission "has again shot down a draft resolution against China, marking another failure by the West to use human rights to interfere in China's internal affairs...."³

From China's perspective, there were two relatively balanced voting blocs on the commission, and a number of crucial swing votes.⁴ One bloc consisted of Asian and African states. The second was composed of western Europe and North and Central America. The swing votes were to be found among some of the new democracies of central Europe, the former Soviet republics, large Latin American countries and a handful of African and Asian nations. China courted them all and pursued its efforts to divide Europe and the United States.

¹ See, for example, the statements of Chinese diplomats in press releases issued by the U.N. Commission for Human Rights during its 1996 session: Wu Jianmin in Press Release HR/CN/96/03, March 19, 1996, p. 4 and Zhang Jun in Press Release HR/CN/96/13, March 26, 1996, p. 4.

² *Washington Post*, "U.N. Rights Panel Votes Down Measure Censuring China," March 9, 1995.

³ "Failure of UN Human Rights Resolution Hailed," Xinhua, April 24, 1996, in FBIS, CHI-96-081.

⁴ Commission members serve for three-year terms, but may serve more than one term.

II. THE EUROPEAN UNION AND THE UNITED STATES

In 1995, the year the resolution lost by one vote, the U.S. and E.U., which together with Japan were the resolution's co-sponsors, began efforts to get other countries on board as early as December 1994, when then U.S. National Security Adviser Anthony Lake went to Zimbabwe, Gabon and Ethiopia. The Geneva resolution was one of the issues on his agenda. Geraldine Ferraro, then head of the U.S. delegation to the commission, made calls to Latin American capitals.

After that close call, Chinese diplomats and government officials seemed to intensify their efforts to underscore that good economic relations with the world's largest country would be fostered by decreasing pressure on human rights. Overt Chinese pressure, of course, was not always needed: European leaders were well aware that the competitive edge with the Americans could be widened if human rights criticism was left to the latter, especially when the U.S. was already preoccupied with a struggle with China over intellectual property rights and the annual debate over Most Favored Nation status.

The first attempts to derail a resolution on China at the 1996 U.N. Human Rights Commission session took place in Bangkok on March 1 and 2, 1996 when Chinese Premier Li Peng met with German Chancellor Helmut Kohl and French President Jacques Chirac at the E.U.-Asia summit. With a US\$2.1 billion Airbus contract hanging in the balance and a visit to France by Li Peng set for April, France took the lead in trying to work out a deal whereby in exchange for a few concessions from China, the E.U. and the U.S. would agree to drop the resolution. The nature of the proposed concessions was never made public but was rumored to include an agreement by China to sign and ratify the two major international human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; the release of some political prisoners; and an invitation to U.N. High Commissioner for Human Rights José Ayala Lasso, to visit China. Ratification without reservations would indeed have been a useful step, but when pressed to give a timetable for ratification, Beijing reportedly backed off, and the deal fell through. Italy -- then in the presidency of the E.U. -- was said to be leaning to the French deal, as was Germany, which with bilateral trade of \$18 billion, was China's largest trading partner in Europe and one of Europe's top investors in China. The Europeans did not come on board until ten days after the commission session opened, and then only reluctantly.

The resolution was doomed by a failure of will on the American side as well. The United States was no more eager than its European counterparts to earn China's opprobrium by sponsoring a resolution, and, according to one source, a deliberate decision was made within the Clinton administration sometime in December 1995 to give the resolution less attention than the year before, with the result that lobbying was late, desultory and ultimately unsuccessful.

Despite appeals on human rights in China and Tibet signed by over 200 French legislators and scattered protests, Li Peng's visit to Paris from April 9-13, just before the commission vote, was hailed by Beijing as marking a "watershed" in its ties with France. Li Peng took the opportunity to finalize the Airbus sale in what appeared to be a deliberate slight to the U.S. government and the American company Boeing, hitherto the the largest supplier of aircraft to China. In one reporter's words, China preferred to deal with countries that "don't lecture China about human rights, don't threaten sanctions for the piracy of music, videos and software and don't send their warships patrolling the Taiwan Straits."³

Li Peng's trip to Europe was followed in July 1996 by a six-nation swing by President Jiang Zemin through Europe and Asia, aimed at closing business deals and enhancing Jiang Zemin's international standing. An important side-effect, if not a deliberate objective of these visits, was to erode the willingness of some European countries to confront Beijing in Geneva. The trip came on the heels of a Chinese threat to impose economic sanctions on Germany in retaliation for a conference on Tibet. The conference was sponsored by the Friedrich Naumann Foundation, closely linked to Foreign

³ David Sanger, "Two Roads to China: Nice and Not So Nice - Boeing's Strategy is Appeasement; Microsoft Grows," *New York Times*, June 9, 1996.

Minister Klaus Kinkel's Free Democratic Party, and was to be held in Germany in June in cooperation with the Dalai Lama's government-in-exile. The row started over the German government's proposal to provide a subsidy for the conference. Under pressure, government funding was withdrawn, but the conference went ahead with the support of German politicians from all parties. The Chinese government then forced the closure of the foundation's Beijing office. In retaliation, German politicians introduced a motion in the Bundestag criticizing China's human rights record. China then withdrew an invitation to German Foreign Minister Kinkel to visit Beijing.

When Beijing further warned that German business interests in China could suffer, Bonn quickly scrambled to restore good relations. In September the invitation was renewed, and Kinkel went the following month. He did raise the cases of political prisoners Wang Dan and Wei Jingsheng, but the real story was that commercial relations with Germany were back on track, for in November in Beijing, President Jiang and German President Roman Herzog signed four agreements on financial and technological cooperation. The last quarter of 1996 saw multimillion dollar deals signed between China and Germany companies, including a joint venture by Mercedes Benz in Jiangsu province to produce buses; a joint venture by Kogel Trailer to produce specialized auto vehicles; a joint venture of Bayer AC and Shanghai Coating Company to produce iron oxide pigments, and a US\$6 billion investment in a petrochemical plant by German chemical company BASF.

China also wooed other European countries. In June, Chen Jinhua, head of China's State Planning Commission, visited Italy. In Milan, he held meetings with leading Italian financial and business interests, discussing how China's ninth five-year plan would lead to the continued opening up of the economy to the outside world. Stressing the growth of bilateral trade, which stood at a record US\$ 5.18 billion in 1995, he noted China's potential as a huge market with possibilities for increased Sino-Italian cooperation. In September, Li Peng went to the Hague, just as the Netherlands was poised to take over leadership of the E.U., in October, Italian Foreign Minister Lamberto Dini led a group of Italian businessmen to Beijing on a "good will" visit, and in November, Li Peng was back in Europe on a visit to Rome, where he and his Italian counterpart pledged to encourage Sino-Italian economic and trade ties.

Britain also worked to bolster its trade with China. When Trade and Industry Secretary Ian Lang met with Minister of Foreign Trade and Economic Development Wu Yi in Beijing in September 1996, they agreed to set up working groups on the chemical industry, aeronautics, and energy. In October, Li Lanqing, a vice-premier and vice-chair of the State Council (the equivalent of China's cabinet), traveled to London to meet with Deputy Prime Minister Michael Heseltine, and in November, the two countries signed a Memorandum of Understanding on forming a Sino-U.K. Aerospace Equipment Working Group to promote commercial and technical cooperation in civil aviation.

III. LATIN AMERICA

Latin America was clearly a priority region for China if it was to defeat a resolution at the 1996 commission session. Next to Europe and North America, it was most likely to vote against China. In some cases, this was due to a history of susceptibility to U.S. influence, in others to a democratic transition from an abusive authoritarian past that made the new democracies important allies in efforts to censure grave abuses wherever they occurred. Many Latin American countries, including Mexico, Brazil, Chile, Ecuador, Argentina, Peru and Venezuela, also had serious strains in their bilateral relations with China because of textile and garment "dumping" by the latter. Of all the countries in the region, only Cuba and Peru consistently voted with China in 1995 and 1996, Mexico, Colombia and Venezuela abstained in both years.

Top Chinese government and Party officials increased the exchange of visits with Latin America leaders after the near success of the 1995 resolution. In October 1995, Premier Li Peng went to Mexico and Peru, signing trade and cooperation agreements with both governments. Peru had abstained from all China votes at the commission until 1995 when it voted in favor of the no-action motion. As if to reinforce the relationship, Luo Gan, secretary-general of the State Council, went to Peru in March 1996 with the commission already in session and pledged US\$350,000 in aid and a loan.

of US\$70 million to be used toward China-Peru trade. The sums were small, but the symbolism of South-South aid was important. Peru again voted with China at the commission in 1996. That August, the speaker of the Peruvian parliament, visiting Beijing, said pointedly in the context of a discussion on human rights that his country did not interfere with China's internal affairs. High-level exchanges also took place in 1995 with Brazil, Chile and Cuba.⁶

In June 1996, following the April vote in the Human Rights Commission, Wu Yi went on a month-long tour of seven Latin American countries, Argentina, Cuba, Mexico, Peru, Uruguay and Chile, all but Peru to be members of the commission for the coming year. In November 1996, Li Peng went back to Latin America, visiting two members of the commission whose voting records had been inconsistent, Brazil and Chile. Brazil was key. Until 1996, it had abstained on all votes on China; in April 1996, it voted against China's efforts to stop action on a resolution. Li Peng's delegation specifically raised the issue during the visit, expressing unhappiness with the Brazilian vote, and officials at the Brazilian Ministry of Foreign Relations reportedly discussed the possibility of abstaining on a no-action motion in 1997. The Chinese premier's visit produced agreement on a consulate in Hong Kong after July 1, 1997, on peaceful use of space technology and on sustainable development initiatives. Trade issues were also on the agenda.

Chile had voted with China in 1992, then abstained on all votes until 1996 when it joined Brazil to vote against China's efforts to stop debate. During his November visit, Li Peng announced tariff reductions of more than 10 percent on Chilean agricultural goods and signed agreements on scientific and technological cooperation in agricultural and aerospace. As with Peru, the substance of the agreements between Chile and China was less important than the political symbolism of Li Peng's visit, and as with Brazil, the Geneva vote was almost certainly on the agenda.

The presidents of Ecuador and Mexico and the foreign minister of Uruguay all visited Beijing between May and December 1996. Closer ties between China and Latin America, as indicated by high-level exchanges, underscored the fact that sponsors of a resolution critical of China could not take the votes of Latin American members of the commission for granted. They would have to undertake some sustained lobbying, and apparently they did not.

IV. AFRICA

If the U.S. and Europe and other sponsors of a resolution were serious about a multilateral initiative to exert pressure on China, it was essential that they bring some African members of the commission on board. Admittedly, it would not have been an easy task, given Chinese diplomatic initiatives and interests in the region, but save for some modest measures in 1994 like U.S. National Security Adviser Anthony Lake's discussions (see above), the sponsors put little energy into finding support from African governments.

China, on the other hand, was energetic. Since the end of the Cold War, it has seen African countries as critically important allies, particularly in the United Nations, in the struggle against American "hegemonism."⁷ With its history

⁶ Li Ruihuan, chairman of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) and often suggested as a possible successor to Li Peng, went to Cuba in June 1995, followed by a nine-day trip by Fidel Castro to China in December, his first visit ever.

⁷ Li Peng met with the president of Ecuador in May and with the foreign minister of new commission member Uruguay in October. (In June, Uruguay had hosted Wu Yi and a trade delegation. In its previous three years on the commission, 1992-94, Uruguay had abstained on the China no-action votes.) Mexican President Ernesto Zedillo Ponce de Leon met with Jiang Zemin in November 1996.

⁸ "Profit and Prejudice: China in Africa," *China News Analysis*, No. 1574, December 15, 1996, p. 6.

of colonialism and the fact that for the North, it had become the "forgotten continent," Africa has been viewed as a desirable partner in China's efforts to "bypass" the United States.⁹ In addition, China had a strong interest in stepping up its diplomacy in the region to counter Taiwan's aggressive campaign to expand ties with some African states.

China embarked on a concerted diplomatic campaign in Africa in mid-1995. Although the main objective may have been to blunt Taiwan's influence, it may not be coincidental that the campaign began after China lost a no-action motion and nearly lost the resolution in Geneva in March 1995, or that the countries singled out in this campaign were also for the most part members of the commission.

In October-November 1995, well before the 1996 session of the commission convened, Li Lanqing traveled to six central and western African countries: Mali, Guinea, Senegal, Gabon, Cameroon and Côte d'Ivoire. Of these, all but Senegal were members of the commission. In November, Qiao Shi, a leading member of the Central Committee and chairman of Standing Committee of China's National People's Congress (China's parliament), went to Egypt, another key member of the commission. All the countries included in these two visits voted with China in the April 1996 "no-action" motion.

By contrast, from September 1995 to March 1996 there were few high-level exchanges between the U.S. and African members of the commission, and when they took place, China was not on the agenda. Angolan president Dos Santos made a state visit to Washington, D.C. on December 8, 1995, for example, but amid the many issues on the U.S.-Angolan agenda, support for a critical position in the U.N. toward China's human rights practices was reportedly not one Madeleine Albright, then U.S. ambassador to the U.N., visited Angola in January 1996, but apparently made no effort to press for Angola's support at the Human Rights Commission. Angola ranks fourth among China's African trading partners and has consistently voted with China at the Human Rights Commission. If the U.S. was serious about generating international pressure on China through the U.N., its officials would have seen the visits by its officials as an opportunity to put multilateralism into practice and raise the issue of a resolution in Geneva.

Ethiopia, a key member of the commission, exchanged visits with European and American officials, with development assistance and security the main issues at stake. German President Herzog visited Ethiopia in January 1996, during which he signed an aid agreement for the purchase and transport of fertilizers, and Prime Minister Meles Zenawi spent two days in Paris, meeting with the French prime minister and with President Chirac. In neither case was there any indication that the China vote was on the agenda, and a source close to the U.S. delegation to Geneva told Human Rights Watch that no attempt was made to lobby Ethiopia for its vote.

China appeared to have stepped up its efforts to ensure a similar victory in the 1997 session. Following the end of the 1996 commission meeting in April, all fifteen African members of the commission sent or received high-ranking visitors from China. In May 1996, according to Chinese reports, President Jiang himself "crossed a thousand mountains and rivers to enhance friendship, deepen unity and learn from the African people," visiting a total of six countries as he covered the continent "from North to South, from East to West." Of the six countries, four, Ethiopia, Egypt, Mali and Zimbabwe, were members or about to become members of the commission. At a meeting of the Organization of African States, Jiang stressed that China would be an ally in Africa's drive to develop, and, in fact, over twenty-three agreements and protocols on Sino-African cooperation were signed in May alone. They primarily provided for basic construction projects in transport and energy.¹⁰

- During meetings in Beijing in May 1996, two days before he left for his African tour, President Jiang pledged economic and military support for Mozambique, which rotated on to the commission in time for the 1997 session. At the same time, Chinese Defense Minister Chi Haotian discussed details of the bilateral ties between the two nations' militaries and provided Mozambique with quantities of new weapons. Sino-Mozambiquan relations

⁹ "Profit and Prejudice: China in Africa," *China News Analysis*, No. 1574, December 15, 1996, p. 6.

¹⁰ "Profit and Prejudice: China in Africa," *China News Analysis*, No. 1574, December 15, 1996, p. 3.

went into a tailspin in 1996 when China abruptly pulled out of an agreement to build a new parliament building. The visit in May was an effort to repair relations but it could also help produce a pro-China vote in the commission this March.

- Jiang Zemin was present in Zimbabwe in May 1996 when Minister of Foreign Trade and Economic Cooperation Wu Yi signed agreements for US\$10 million in grants and an additional US\$10 million in loans, as well as other agreements on trade, reciprocal protection of investment and technological and economic cooperation. Earlier an agricultural group from China studied the possibilities of importing cotton and tobacco from Zimbabwe. In 1995, the first time Zimbabwe voted on a China resolution in Geneva, it voted for the no-action motion and against the China resolution; in 1996 it again voted in favor of no action on China.
- Following Jiang Zemin's May 1996 visit to Mali, China signed agreements on economic and technological cooperation during meetings in Beijing between Premier Li Peng and Mali's president, and the Chinese vice-minister of agriculture signed an agreement to assist Mali in building a number of factories. In 1996, when Mali voted on the China question for the first time, it voted in favor of the no-action motion.
- Jiang Zemin also traveled to Ethiopia in May on a good will visit during which four cooperation agreements were signed. China-Ethiopian economic relations have been minimal compared with China's relationships with other African countries. Before Jiang's visit, Chinese journalists made much of an Ethiopian irrigation project completed with help from thirty-eight Chinese experts. In 1990, Ethiopia voted for a no-action motion and then went off the commission until 1995, when it voted in favor of the no-action motion but abstained when the resolution itself was voted on. In 1996 it again voted in favor of no action.
- Algeria was already considered in the China camp. Jiang Zemin and the president of Algeria met in Beijing in October to discuss bilateral relations and to sign six documents including one protecting and encouraging reciprocal investment. Algeria has had a strong and continuous relationship with China which helped with a heavy water research reactor, and has been involved in irrigation, agricultural, and research projects including a three-star hotel in Algiers. In January 1997, Foreign Minister Qian Qichen paid a quick visit to Algeria, meeting with the foreign minister to discuss strengthening bilateral cooperation.
- Uganda became a member of the commission in time to vote with China on the 1996 no-action motion. While the commission was still meeting in April 1996, Li Xiaoxin, China's vice-minister of foreign affairs, agreed to provide US\$3.6 million to cover the costs of a national stadium. In January 1997, at the request of the Ugandan government, China agreed to send technical personnel for two years to provide guidance in connection with the stadium project.
- Li Peng and the president of Gabon, meeting in Beijing in August 1996, stressed the importance of their relationship and their support for the rights of developing nations. Gabon abstained in 1992 on a no-action motion but has since voted solidly in the Chinese camp.
- When Chinese Vice Foreign Minister Tian Zengpei met with the Guinean Foreign Affairs Minister in Guinea in April while the commission meeting was still in session, he thanked him for Guinea's support on the human rights issue. Guinea, a new member of the commission as of the 1996 session, voted for no action on the China resolution.
- During a visit to South Africa, China's largest trading partner in Africa, in May 1996, Wu Yi negotiated promises of expanded trade ties and reciprocal "most favored nation trading status." The importance of China to South Africa's economy was underscored in December 1996 when President Nelson Mandela abruptly abandoned diplomatic support for Taiwan and recognized Beijing as the sole representative of China.

- Buhe, the vice-chairman of the Standing Committee of the National People's Congress paid a goodwill visit to Benin in December 1996. Although Benin had voted with China in 1996, it abstained on both the no-action motion and the resolution itself in 1995.

Both the timing and the high-profile nature of most of these exchanges highlight the likely difficulties of getting African countries to abstain on a China resolution, let alone vote in favor, in 1997. If the U.S. and Europe had been committed to seeing a resolution pass, both would have had to have engaged in intensive lobbying beginning in late 1996.

V. CENTRAL AND EASTERN EUROPE

After March 1995, high-level Chinese officials logged considerable mileage traveling to the Russian Federation and to two former Soviet republics, Belarus and the Ukraine. All three countries were to be 1996 commission members. Belarus for the first time, and the Ukraine for the first time since 1990.

In 1995, after Russia helped to defeat a no-action motion, its delegates switched their vote and the resolution itself failed as a result. It seemed logical in 1996, that if China were to avoid another near embarrassment, it would have to guarantee Russia's vote on the no-action motion itself. Not since 1990 had Russia voted not to send a resolution to the floor. Furthermore, it was generally agreed that the Belarussian president, anxious for reunification with Russia, would vote with Russia. Of course China had other political and economic stakes in its relations with Central and Eastern Europe that may have been the driving force behind much of the activity outlined below; but with the Geneva vote so important to Beijing, lining up commission members was a likely factor.

In June 1995, Li Peng visited all three states. During his visit to Belarus, there was agreement on bilateral cooperation in trade, science, technology, manufacturing, and agriculture. In the Ukraine, he signed a note worth 8.5 million *renminbi* (approximately US\$1.7 million) in economic assistance. In August, as a follow-up to the June visits, the vice-minister of the Ministry of Foreign Trade and Economic Cooperation (MOFTEC) led a trade delegation to the region.

The direction of the visits reversed in September when the vice-prime minister of Russia went to Beijing, followed in November by a vice-minister from the Belarussian Ministry of Foreign Economic Relations, and in December by the Ukrainian president. During a meeting with Jiang Zemin, the two signed a joint communiqué furthering bilateral economic and political cooperation. In April 1996 while the Human Rights Commission was in session, Qiao Shi, chairman of Standing Committee of China's National People's Congress (parliament), traveled to Moscow to meet with top Russian officials in preparation for meetings later in the month with three central Asian republics. That same month, China exchanged ministerial visits with both Belarus and the Ukraine. At the invitation of Qian Qichen, the Belarussian foreign minister traveled to Beijing. During a meeting with Li Peng, he thanked him for China's support of Belarus on international issues and described as "encouraging" the 60 percent growth in bilateral trade in 1995. Qiao Shi traveled to the Ukraine for a four-day visit aimed at expanding cooperation between the two countries. Shipbuilding, aircraft manufacturing and instrument products were cited as industries for cooperation.

In the wake of all this activity, Russia abstained and Belarus and Ukraine voted with China in favor of no action on the resolution at the 1996 commission session. Two days after the vote, President Boris Yeltsin was warmly welcomed in Beijing by Jiang Zemin, Li Peng, and Qiao Shi. The major accomplishments of the meetings included an agreement signed by China, Russia, Kazakhstan, Tajikistan and Kyrgyzstan strengthening border confidence, a Sino-Russian joint communiqué to serve as "the principled basis for the two countries' constructive partnership during the 21st century"¹¹ and a dozen cooperation agreements, including ones on intellectual property rights, cooperation on the peaceful use of nuclear energy, and development for mutual prosperity. In addition, representatives from both countries discussed

¹¹"Yeltsin Adviser Stresses Importance of Upcoming Visit," Xinhua, April 22, 1996, in FBIS-CHI-96-080, April 24, 1996

cooperation on military technologies. By December 1996, when Li Peng visited Moscow, plans were being laid for an April 1997 summit on security. At the same time, Russia agreed to lend China US\$2.5 billion for nuclear power plant construction and to sell arms to Beijing. And Li and Viktor Chernomyrdin discussed raising bilateral trade volume and cooperation on large-scale projects.

In November, the Belarusian president told Li Lanqing during his visit to Minsk that improving Belarus-Chinese relations was of strategic importance to Belarus, adding that he attached great importance to developing bilateral trade and that he welcomed Chinese entrepreneurs willing to invest in Belarus. The following month, the acting prime minister of Belarus attended a signing ceremony in Beijing for agreements on educational cooperation and on ensuring the quality of exported and imported goods.

A well-documented effort by the Chinese government to gain support in the commission from central European countries began before the 1994 vote. Poland, to the surprise of delegation members themselves, members of Parliament, and local human rights groups, abstained from voting on the no-action resolution instead of voting against it as it had the year before. Instructions from the Polish Ministry of Foreign Affairs had arrived just before the actual vote took place. China had reportedly agreed to support Poland's effort to gain a seat in the Security Council in exchange for the abstention. A representative of the ministry later explained to the Polish parliament that the vote had come about as a result of a "mistake" by a junior official.

In 1995, Li Peng wrote to Polish Prime Minister Pawlak to thank him for his support in Geneva in 1994 and asked for "even more substantial support in 1995." The offer to promote a Security Council seat was reiterated. After the main Warsaw newspaper publicized the "vote trade" and media pressure mounted, Poland's vote against the no-action resolution helped to defeat it.

Two other Central European countries on the 1997 commission have received more attention from the U.S. and Europe than from China, and the commission votes may reflect this. With the exception of 1992 when it abstained, Bulgaria has voted against China in the no-action motion, and the Czech Republic, back on the commission after a hiatus of three years, would be unlikely to succumb to Chinese pressure.

VI. ASIA

Most Asian countries were already voting solidly with China. In 1995 and 1996, the only countries that did not were the three Asian democracies, Japan, the Philippines and Korea. Japan has consistently voted in favor of a resolution; the Republic of Korea has consistently abstained, and the Philippines, which voted with China in 1992 before going off the commission for two years, voted against China in 1995 after a territorial dispute with China flared up in the South China Sea. In 1996, Korea and the Philippines abstained, both were considered swing votes for 1997.

Korea, which resumed diplomatic relations with China in 1992, has heavy economic stakes in China. The *chaebol* or conglomerate Goldstar is expected to invest US\$10 billion in China by the year 2005, and Daewoo is planning to contribute 960 million *renminbi* (approximately US\$120 million) to the building of an expressway. Daewoo will participate in the operation of the road for thirty years, after which it will belong to Huangshan City, its Chinese partner. During Jiang Zemin's visit to the Philippines in November 1996, China promised to build two power plants and pledged bilateral cooperation.

Other important efforts in Asia included Jiang Zemin's November-December 1996 goodwill tour of South Asia with stops in India, Pakistan, and Nepal.

- India has consistently voted with China, a reflection perhaps of its own rejection of external human rights pressure, especially on the sensitive issue of Kashmir. Sino-Indian relations, however, have also steadily

improved since the collapse of the Soviet Union. Foreign Minister Qian Qichen accompanied President Jiang to India in November 1996 to promote bilateral relations in politics, trade, economy, and culture. The primary issue among the two regional powers was security, and an agreement was reached on military zones on the Sino-Indian border.

- While in Nepal in early December 1996 to mark the twenty-fifth anniversary of King Birendra's ascension to the throne of Nepal, Jiang Zemin witnessed the signing of a grant of economic and technical assistance.
- In his December swing through Pakistan, a traditional ally and leader of the efforts in the commission to prevent a resolution on China from coming up for debate, Jiang Zemin oversaw the signing of agreements on construction of a hydroelectric power plan, environmental protection, drug trafficking, and establishment of consulates, including maintenance of Pakistan's consulate in Hong Kong. Pakistani President Farooq Leghari noted that there was no difference between Pakistan and China on Tibet, and Pakistan "completely supports China." He also stated how happy he was that China would resume sovereignty over Hong Kong "and hoped for a peaceful joining of Taiwan with China as soon as possible."¹²

VII. WAFLING IN 1997

It was clear by November 1996 that sponsorship of a resolution on China at the 1997 U.N. Human Rights Commission was in for a rough ride. On November 24, at a debriefing following President Clinton's meeting with Jiang Zemin at the Asia-Pacific Economic Cooperation (APEC) summit in Manila, a senior administration official said that "the president said that we want to maintain dialogue and cooperate on [human rights], but on the present record we could not forgo presenting [. . .] a resolution." The implication was clear: any nominal gesture or open-ended promise on China's part that could be interpreted as progress on human rights might be enough to derail a resolution.

The European Union played a similar game of delaying a decision on the resolution by bouncing consideration of the question from one E.U. body to another. When the E.U. Human Rights Working Group (HRWG) could not reach a decision on what to do about a resolution at its meeting on December 13, 1996, further consideration was delayed almost a month until January 10 when the Political Affairs Working Group, with representatives from all fifteen E.U. capitals, met in Brussels. The meeting decided to refer the issue back to the HRWG despite the fact that a straw poll of political directors had found an overwhelming majority in favor of a resolution and the HRWG had recommended that the E.U. move quickly. Rather than taking a firm decision to exert pressure through a resolution, the political affairs meeting discussed a variety of ways of avoiding confrontation at the commission, including pushing for consensus rather than majority vote on resolutions and substitution of investigations by the U.N. thematic mechanisms for commission resolutions.¹³ Just as the HRWG was about to meet on January 23, China suddenly proposed a human rights discussion on February 14 around the edges of the Asia-Europe (ASEM) foreign ministers' meeting in Singapore, providing some

¹² "Spokesman on Jiang Zemin Visit," *The News* (Islamabad), December 2, 1996, Foreign Broadcast Information Service, FBIS-CHI-96-232.

¹³ The U.N. thematic mechanisms include, among others, the Special Rapporteurs on Torture; Summary and Arbitrary Execution; Religious Intolerance; Freedom of Expression; Independence of the Judiciary; Violence Against Women; and Sale of Children, as well as Working Groups on Disappearances and Arbitrary Detention. At China's invitation, the Special Rapporteur on Religious Intolerance visited in November 1994. Not only have none of his recommendations been implemented, but religious repression in China has intensified in the two years since the visit. Negotiations for a visit by the Working Group on Arbitrary Detention are ongoing.

E.U. countries with a pretext for delaying a decision once more. (For months, the E.U. had been unsuccessful in trying to schedule a formal E.U.-China human rights dialogue, originally scheduled for October 1996.) But China offered no human rights concessions or gestures during the meeting, according to diplomatic sources.

The U.S. also refused to commit itself to the one multilateral initiative that might have exerted real pressure on China, with officials reiterating that Sino-U.S. relations could not be "held hostage" to human rights concerns and that a decision about sponsorship would be made "when the time came." During the U.S. Senate hearing on January 8, 1997 to confirm Madeleine Albright as secretary of state, Albright went so far as to imply that China's previous record was of no import; what counted was "in the remaining weeks" how China "approach[ed] that situation" and whether any changes took place. Different administration officials gave the same message: the U.S. position would be determined based on China's actions between "now" -- and "now" became later and later -- and the time of the commission vote. A week after Albright's confirmation hearing, the Chinese government warned of complications in the bilateral relationship if the U.S. pressed on rights issues.¹⁴ No concrete promises or assurances resulted from a visit to Beijing on January 30-31 by a low-level delegation from the National Security Council and the State Department, aimed at exploring the possibilities for a human rights breakthrough.

On January 21, the Clinton administration moved to ensure consistency in the U.S.-E.U. position. A diplomatic demarché circulated to E.U. members in Brussels stated that "we are continuing to talk with the Chinese about what meaningful concrete steps they might take to avoid confrontation in Geneva," and it suggested that to make compliance easier, the E.U. ask China for the same minimal concessions: releases of prisoners with medical problems, resumption of discussions on prison visits, and signing and submitting to the National People's Congress for ratification the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The U.S. did state its willingness to cosponsor a resolution if China's performance did not improve but did not set a time frame or deadline for making a formal decision. President Clinton himself went further, stating at his January 24 press conference that there was no need to press China on human rights because the current government would, like the Berlin Wall, eventually fall.¹⁵

Six days later, the Clinton administration was back to justifying no decision in terms of seeking improvements. On January 30, Secretary Albright relayed that message when she met in Washington with Dutch Foreign Minister Hans van Mierlo and Sir Leon Brittan, vice-president of the European Commission and a strong supporter of commercial diplomacy.¹⁶ Given the deterioration of human rights in China across the board over the past year, however, trying to seek "improvements" in the few months before the commission meetings began was disingenuous at best.

Secretary Albright's visit to Beijing on February 24 -- just prior to Deng Xiaoping's funeral -- provided another opportunity to avoid a resolution, pending the outcome of her high-level discussions with Jiang Zemin, Li Peng and other senior officials. A report in the *New York Times*, published the day she arrived in Beijing, outlined the possible elements of a deal, although the administration vehemently denied the story's suggestion that a bargain was imminent, it did not dispute the other details.¹⁷ Albright left Beijing, empty-handed but noting that breakthroughs before had not come during high-level visits but often several weeks or months afterwards, so as not to give the impression that foreign pressure had been involved.

¹⁴ "Mutual Respect Needed," *China Daily* (English language version), January 15, 1997, p. 4.

¹⁵ "I don't think there is any way that anyone who disagrees with that in China can hold back that [liberty], just as eventually the Berlin Wall fell. I just think it's inevitable." Quoted from his press conference in Jim Mann, "Clinton's 'Berlin Wall' Theory on China Steeped in Paradoxes," *Washington Post*, February 12, 1997.

¹⁶ *South China Morning Post*, "Rights Action Urged to Avoid Censure," January 30, 1997.

¹⁷ Patrick E. Tyler, "U.S. and Chinese Seen Near a Deal on Human Rights," *New York Times*, February 24, 1997.

Three days after her visit, however, a Chinese Foreign Ministry spokesman announced that China was giving "positive consideration" to signing the two major international human rights agreements, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. However, he went on to say, "as to when we would join, that is entirely our own affair." It is worth noting that in November 1993, China had announced that it was giving "positive consideration" to access to its prisons by the International Committee of the Red Cross; not long afterwards, negotiations with the ICRC came to a standstill.

But two days after the February 27 statement on the covenants, China announced that it had agreed to "resume our contact [with the ICRC] after a two-year hiatus."¹⁸ An ICRC spokesman noted that these were "talks about talks to begin talks." The only element of a deal that had not been announced by China by the end of February, then, was the release of key dissidents.

It was left to Vice President Gore to try to close any deal during his late March visit. Meanwhile the E.U. had met in Brussels on February 24 and decided to put off any decision on a resolution, waiting instead for the outcome of Albright's trip. Immediately following Gore's visit, Australian Prime Minister John Howard is due in Beijing, as are Canada's foreign minister, Lloyd Axworthy (in April), and French President Jacques Chirac (in May).

While the E.U. and the U.S. were procrastinating, the U.N. High Commissioner for Human Rights José Ayala Lasso announced on February 10, before the sudden announcement of his resignation, that he had received and accepted in principle an invitation from China to visit. The timing of the invitation was clearly an effort to try to undermine the already dim prospects for a successful resolution by demonstrating China's openness to cooperation on human rights with the U.N.

VIII. CONCLUSION

For the last two years, the diplomacy surrounding a China resolution at the U.N. Human Rights Commission has been marked by a sorry lack of will and outright hypocrisy on the part of those countries that purport to defend human rights. The U.S. and E.U. member governments in particular have watched in near-silence as penalties for dissent in China steadily increased. The one tool that even U.S. and European critics of a vocal human rights policy were willing to support was a resolution in Geneva because it was by definition multilateral and less damaging; it was thought, to bilateral relations.

But by 1997, American and European leaders appeared ready to take any promise the Chinese government was willing to make as evidence of progress on human rights and as a pretext for backing out of a resolution. At the same time, it had ensured that no such resolution could ever pass by holding off so long on the lobbying needed to build support at the commission even as China was engaged in steady and effective lobbying of its own. The U.S. and Europe have sent a clear message that powerful countries will be allowed to abuse international standards with impunity. That signal is a disservice to the United Nations and to the cause of human rights.

Human Rights Watch Asia

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. The staff includes Kenneth Roth, executive director; Michele Alexander, development director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Barbara Guglielmo, finance and administration director; Robert Kumzey, publications director; Jen Laber, special advisor; Lotte Leicht, Brussels office director; Susan Osnos, communications director; Jemera Rone, counsel; Wilder Taylor, general counsel, and Joanna Weschler, United Nations representative. Robert L. Bernstein is the chair of the board.

¹⁸ Patrick E. Tyler, "China and Red Cross Agree to New Talks on Jail Visits," *New York Times*, March 1, 1997.

and Adrian W. DeWind is vice chair. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director, Mike Jendrzeczyk is the Washington director, Robin Munro is the Hong Kong director, Patricia Goodman is the senior researcher, Zuzetta Liddell is the research associate, Jeannine Guthrie is NGO liaison, Mickey Spiegel is a consultant, Paul Lall and Olga Nousias are associates, Andrew J. Nathan is chair of the advisory committee and Orville Schell is vice chair.

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